

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARY FUGERSON,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 2:23-cv-06459-SB-DFM

ORDER DISMISSING CASE  
WITHOUT PREJUDICE

Petitioner Mary Fugerson filed a habeas petition on August 4, 2023. Dkt. No. 1. On August 9, the clerk's office issued a notice that she had not paid the filing fee, directing her to either do so or request to proceed in forma pauperis (IFP) within 30 days, or her case might be dismissed. Dkt. No. 2. After a separate notice from the Court was returned as undeliverable mail, the Court issued an order on October 3 directing Petitioner to pay the filing fee or request IFP status by October 31 and directing the government to serve Petitioner immediately. Dkt. No. 5. The government failed to do so, instead serving the order 45 days late and after the October 31 deadline. Dkt. Nos. 7, 9, 12–14. On November 27, Petitioner notified the Court that she believed she had paid the filing fee. Dkt. No. 16. The Court reviewed its records and, finding no record of payment, contacted the Bureau of Prisons, who reviewed Petitioner's trust account statement and confirmed that Petitioner had not paid the fee. Dkt. No. 17.

On December 28, the Court again ordered Petitioner to pay the filing fee or request IFP status by January 29, 2024. Dkt. No. 17. The Court again warned Petitioner that failure to do so would be construed as consent to dismissal of the case and that it would dismiss the case without prejudice. *Id.* The Court ordered the government to serve Petitioner and file a proof of service, which it filed on the same day. Dkt. No. 18. The January 29 deadline has now passed, and Petitioner

has failed to pay the filing fee or request IFP status. The Court therefore dismisses the case in its entirety without prejudice.

Date: February 1, 2024

A handwritten signature in black ink, appearing to read 'JBS', is positioned above a horizontal line.

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Stanley Blumenfeld, Jr.  
United States District Judge